

REMARKS

The Office Action mailed February 26, 2009 was reviewed and the comments of the Patent and Trademark Office were considered.

Applicant thanks the Examiner for allowance of Claims 1 – 5, 8 – 10, 15, 17 – 23 and 26. Claim 14 was objected to by the Examiner, and Claims 6, 7, 11 – 13 and 24 were rejected by the Examiner. Claims 6, 7, 11 – 13 and 24 are currently amended. Support for the amended claims may be found in the previously presented claims and page 12, ll. 15 – 17.

This amendment changes or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

1. Objections

Specifically, the Examiner objected to Claim 6 for being grammatically incorrect. Claim 6 has been amended to correct the grammar.

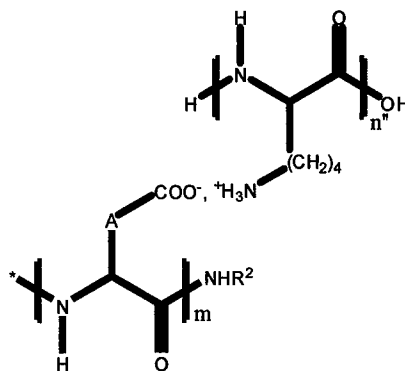
2. Rejection under 35 U.S.C. 112, second paragraph

Claims 6, 7, 11-13 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicant has amended the claims as per the Examiner's suggestion to remove any indefinite language.

Specifically, Claims 6 and 7 have been amended to remove the plural from polyamino acids. These claims are therefore now consistent with Claim 1.

Furthermore, the Examiner notes that Claim 6 is dependent on Claim 2 and "Claim 2 refers specifically to polylysine and oligolysine". It must however be recognized that these

cationic polyamino acids interact with carboxylate groups of the amino acids constituting the main polyamino acids chain, by way of ionic interactions as illustrated below:



Therefore, the cationic amino acids cannot be comprised in the main glutamic acid- and/or aspartic acid-based polyamino acids chain of Claim 1.

Claim 2 recites that “A represents a $-\text{CH}_2-$ (aspartic [acid] unit) or $-\text{CH}_2-\text{CH}_2-$ (glutamic [acid] unit) radical”, illustrating that the amino acids constituting the polyamino acid are aspartic acid units and/or glutamic acid units. This is detailed in the specification, e.g. on page 6, l. 25 and following.

The skilled person would clearly understand that the polyamino acids of Claims 5, 6 and 7 are preferred examples for polyaspartic acid and/or polyglutamic acid and not for the cationic polyamino acids interacting with the carboxylate groups of the polyamino acids chain.

Claims 11 and 13 have been amended to remove the term “type.”

Claim 12 has been amended to clarify that the formula (II) is not the entire amino acid itself, but instead is a formula for a graft.

Claim 24 has been amended to depend upon a present claim.

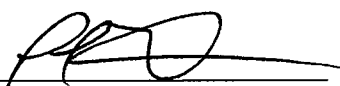
4. Conclusion

For the reasons set forth above, Applicant believes this Application is in condition for allowance.

Applicants believe no fee is due at this time. If a fee is due, however, the U.S. Patent and Trademark Office is authorized to charge any additional fees that may be required in conjunction with this submission to Deposit Account Number 50-2228, referencing matter number 022290.0122PTUS from which the undersigned is authorized to draw.

Dated: May 15, 2009

Respectfully submitted,

By 
Lacy L. Kolo, Ph.D.
Registration No.: 55,340
PATTON BOGGS LLP
8484 Westpark Drive, 9th Floor
McLean, Virginia 22102
(703) 744-8000
(703) 744-8001 (Fax)
Attorney for Applicants